

REMARKS/ARGUMENTS

The Office Action mailed November 29, 2007 and the Advisory Action mailed March 4, 2008 have been carefully reviewed. Claims 1-27 are pending in the present Application. For the reasons below, Applicants respectfully submit that the pending claims are novel and non-obvious over the cited prior art, and are thus in condition for allowance.

Examiner Interview

Applicants thank Examiner Manoharan for the courtesies extended during the telephonic interview of April 29, 2008. During the interview aspects of the claimed invention in relation to U.S. Patent No. 7,065,359 to Chuah *et al.* (“Chuah”) were discussed. No agreement, however, was reached with respect to the claimed invention and Chuah.

Amendments to the Claims

Applicants have amended claims 1, 20, 25, and 27. The Applicants have amended claim 1 to recite “receiving a first channel burst broadcasted from a first base station,” claim 20 to recite “receiving a first channel burst broadcasted from a first base station,” claim 25 to recite “a communications module configured to receive a plurality of channel bursts broadcasted from a first base station,” and claim 27 to recite “receiving a first channel burst broadcasted from a first base station on a wireless channel.” Support for these amendments can be found at least at page 1, paragraph [2], page 4, paragraph [23], page 5, paragraph [24], and page 6, paragraph [28]. These amendments, therefore, do not constitute new matter.

Claim Rejections Under 35 U.S.C. § 102

The Office Action, on page 2, rejected claims 1, 3, 4, 6, 15, 17, 20, and 25 under 35 U.S.C. 102(e) as being anticipated by Chuah.

Claim 1 includes, among other features, “(A) receiving a first channel burst broadcasted from a first base station on a wireless channel, wherein the first base station serves a first cell and wherein the first channel burst supports a data service.” Chuah does not disclose this feature because Chuah does not deal with broadcasting. Rather, Chuah is directed to a wireless communications system that sends specific data packets to only a single base station and that involves downlink and uplink channel arrangements between a base station and a singular

wireless terminal. *See* col. 5, ll. 66-67 and col. 4, ll. 59-67. Moreover, Chuah discloses that “[s]ignal 44 shows that downlink data being routed from server 19 to BTS 46, and the BTS 46 transmits the data over the air link to the wireless unit 42,” col. 5, ll. 6-9. This does not constitute “(A) receiving a first channel burst broadcasted from a first base station on a wireless channel,” because only the wireless unit 42 receives the data transmitted from the BTS 46. Chuah, therefore, does not disclose this feature and does not anticipate claim 1 on this basis.

In addition, claim 1 includes, among other features:

(E) after performing (D), receiving a final channel burst from the first base station; and (F) in response to (E), performing the handover to the selected candidate cell and receiving a new channel burst supporting the same data service as the first channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell.

Chuah does not disclose this feature. Specifically, Chuah fails to show “(E) after performing (D), receiving a final channel burst from the first base station; and (F) in response to (E), performing the handover to the selected candidate cell,” because in Chuah the wireless unit 42 does not “**in response to**” “receiving a final channel burst from the first base station,” “perform[] the handover to the selected candidate cell.” (Emphasis added). Rather, Chuah at col. 6, ll. 4-9 sets forth:

In this embodiment, the controller 60 sends a message to the previous BTS 46 as shown by arrow 60 to indicate that the wireless unit 42 can begin receiving data from the new BTS 50. The previous BTS 46 signals the wireless unit 42 to complete the switch to the new BTS 50 as shown by arrow 62 and begin receiving data from the new BTS 50.

The above quoted passage reveals that Chuah performs the handover “in response to” a specific signal from the BTS 46 that instructs the wireless unit to perform the handover, not “in response to” “receiving a final channel burst from the first base station.” Chuah, therefore, does not anticipate claim 1 on this basis.

Since claims 3, 4, 6, 15, and 17 depend from claim 1, Applicant submits that claims 3, 4, 6, 15, and 17 are allowable for at least the same reasons above with respect to claim 1.

The Applicants submit that Chuah does not disclose, teach, or suggest claim 20. Claim 20 includes, among other features:

(A) receiving a first channel burst broadcasted from a first base station on a wireless channel, wherein the first base station serves a first cell and wherein the first channel burst supports a data service . . . (E) after performing (D), receiving a final channel burst from the first base station; and (F) in response to (E),

performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell.

For the same reasons stated above with respect to claim 1, including that Chuah is lacking any teaching of broadcasting, Chuah does not disclose this feature. Chuah, therefore, does not anticipate claim 20 on this basis.

Claim 25 includes, among other features,

a communications module configured to receive a plurality of channel bursts broadcasted from a first base station . . .

a handover analysis module: . . . configured to instruct the communications module to receive a last channel burst from the first base station after the handover analysis module determines to perform the handover; and configured to instruct the communications module to tune to the selected base station and to receive the new channel burst from the selected candidate base station such that the handover occurs between the final channel burst and the new channel burst.

Chuah does not disclose this feature. As stated above with respect to claim 1, Chuah is not concerned with broadcasting or timing a handover after a final channel burst. Chuah, therefore, does not anticipate claim 25 on this basis.

Claim Rejections Under 35 U.S.C. § 103

The Office Action rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Patent No. 6,154,652 to Park *et al.* (“Park”).

Since claim 2 depends from claim 1, Applicants submit that claim 2 is allowable for at least the same reasons above with respect to claim 1.

In addition, claim 2 includes “(i) if obtaining the measurements cannot be completed before receiving the final channel burst from the first base station, suspending obtaining the measurements; (ii) receiving another channel burst from the first base station; and (iii) in response to (ii), resuming obtaining the measurements.” The Office Action admits on page 5 that Chuah does not teach the above feature. The Applicants submit that Park does not cure the deficiencies of Chuah. Park does not disclose, teach, or suggest “(i) if obtaining the measurements cannot be completed before receiving the final channel burst from the first base station, suspending obtaining the measurements; (ii) receiving another channel burst from the first base station; and (iii) in response to (ii), resuming obtaining the measurements.” Park

discloses, in a handoff method, upon the failure of detecting a signal from an adjacent base station, receiving data from the current base station for a following half cycle (T/2). *See Park*, col. 3, ll. 10-23. This does not constitute the above feature, because it does not concern “suspending obtaining” measurements. Rather, Park merely suggests receiving data from a current base station for a following half cycle. The Office Action, therefore, has not established a *prima facie* case of obviousness with respect to claim 2.

The Office Action rejected claims 5, 19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Patent No. 5,513,246 to Jonsson *et al.* (“Jonsson”).

Since claims 5 and 19 depend from claim 1, Applicants submit that claims 5 and 19 are allowable for at least the same reasons above with respect to claim 1.

Since claim 21 depends from claim 20, Applicants submit that claim 21 is allowable for at least the same reasons above with respect to claim 20.

The Office Action rejected claims 7-9, 12-13, 22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Patent No. 6,731,936 to Chen *et al.* (“Chen”).

Since claims 7-9 and 12-13 depend from claim 1, Applicants submit that claims 7-9 and 12-13 are allowable for at least the same reasons above with respect to claim 1.

Since claims 22 and 24 depend from claim 20, Applicants submit that claims 22 and 24 are allowable for at least the same reasons above with respect to claim 20.

The Office Action rejected claims 10, 11, 16, 18, 23, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Application No. 2003/0162535 to Niskiyama *et al.* (“Niskiyama”).

Since claims 10, 11, 16, and 18 depend from claim 1, Applicants submit that claims 10, 11, 16, and 18 are allowable for at least the same reasons above with respect to claim 1.

Since claim 23 depends from claim 20, Applicants submit that claim 23 is allowable for at least the same reasons above with respect to claim 20.

Since claim 26 depends from claim 25, Applicants submit that claim 26 is allowable for at least the same reasons above with respect to claim 25.

The Office Action rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Patent No. 6,366,568 to Bolgiano *et al.* (“Bolgiano”).

Since claim 14 depends from claim 1, Applicants submit that claim 14 is allowable for at least the same reasons above with respect to claim 1.

The Office Action rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of Jonsson and in further in view of Chen.

The Applicants submit that neither Chuah, Jonsson, nor Chen disclose, teach, or suggest claim 27. Claim 27 includes, among other features:

(G) if the selected signal quality is acceptable, deciding to perform a handover to a selected candidate cell, wherein the selected candidate cell is a member of the list and wherein the selected signal quality corresponds to the selected candidate cell; (H) after performing (G), receiving a final channel burst from the first base station; and (I) in response to (H), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell and wherein the new channel burst supports the multicast service.

For the same reasons stated above with respect to claim 1, Chuah does not disclose this feature. Chuah, therefore, does not disclose, teach, or suggest claim 27 on this basis.

Nor do Jonsson or Chen cure the deficiencies of Chuah. There is no suggestion in Jonsson of “receiving a final channel burst from the first base station.” *See generally* Johsson, col. 10, ll. 19-29. Also there is no suggestion in Chen of “receiving a final channel burst from the first base station.” Neither Chuah, Jonsson, nor Chen, therefore, alone or in combination disclose, teach or suggest “(H) after performing (G), receiving a final channel burst from the first base station; and (I) in response to (H), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell and wherein the new channel burst supports the multicast service.” The Office Action, therefore, has not established a *prima facie* case of obviousness with respect to claim 27.

Conclusion

Applicants respectfully submit that the instant application is in condition for allowance. Should the Examiner believe that a conversation with Applicants' representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicants' representative.

Respectfully submitted,

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